

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRWP No.1188 of 2017
Date of Decision:13.10.2017**

Gurcharan Singh Petitioner

Vs.

State of Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.S. Bains, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Hari Pal Verma, J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for grant of emergency parole to the petitioner, Gurcharan Singh, who is presently confined in District Jail, Hoshiarpur. The sole ground for parole is that marriage of son of the petitioner, namely, Sukhjinder Singh is to be solemnised on 15.10.2017.

Reply in the case has been filed by Gurpartap Singh, PPS, Deputy Superintendent of Police, Sub Division Jandiala Guru Amritsar wherein the factum of marriage of Sukhjinder Singh to be solemnised on 15.10.2017 has not been disputed.

In the reply, it is stated that the marriage is to be solemnised at Gurdwara Guru Ki Ber, Boparai, District Amritsar. Along with reply, the statement of Ajaib Singh, Ex-Sarpanch of Village Dhardeo has been attached stating therein that the marriage of Sukhjinder Singh has been fixed

for 15.10.2017 and the presence of the petitioner is necessary. He has owned all kinds of responsibility. The reply is further supported by Panchayatnama (Annexure R-2/T). In a separate reply submitted by the Superintendent of Central Jail, Hoshiarpur, it has been pleaded that the petitioner has already availed 12 weeks' parole on his own request during the calendar year w.e.f. 14.03.2017 to 26.04.2017 and 28.07.2017 to 09.09.2017 for other reasons. As such, the petitioner is not entitled to emergency parole for the purpose of marriage of his son under the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (for short, 'the Act'). The prisoner is entitled to avail emergency parole as per the Amended Act, 2015 which reads as under:-

“3(a) A member of the prisoner's family has died; or

3(aa) husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-son or grand-daughter or father-in-law or mother-in-law of the petitioner is seriously ill; or;

3(cc) a lady prisoner is pregnant and is likely to deliver a child; or; and

After clause(d) the following explanation shall be added,

“Explanation” - The expression “sufficient cause” includes-

(1) Serious damage to life or property of the member of the family caused by any natural calamity; or

(2) Critical condition of any member of the family on account of accident; or

(3) Delivery of child by the wife of the prisoner;”

Therefore, the petitioner is not entitled for emergency parole.

Having heard learned counsel for the parties, this Court has come to the conclusion that the marriage of son of the petitioner is fixed for 15.10.2017. The only reason which arises for disentitlement of parole to the petitioner is that under Section 3 of the Act reproduced hereinabove, the marriage of son or daughter is no ground to grant parole. This Court in the case 1996(1) CLJ (Criminal) 87 - Satnam Singh v. State of Haryana and another, has come for the rescue of such convicts and has granted emergency parole to father so as to perform/ attend the marriage of his son. Reliance is also placed on the order passed by this Court in Criminal Writ Petition No.261 of 2016 - Nirmal Singh alias Nimma v. State of Punjab and another wherein while considering the case of Gurpreet Singh v. State of Punjab and another 2012(3) RCR Criminal 504 and Vijay Kumar Sharma v. State of Punjab and another, 2012(3) RCR (Criminal) 409, this Court has granted parole to the petitioner (in that case).

Therefore, taking into consideration the facts and circumstances of the case and also judgment of this Court in the case of Gurpreet Singh (supra), Vijay Kumar (supra) and Nirmal Singh alias Nimma (supra), the present petition is allowed and the petitioner is ordered to be released on parole for a period of three days, i.e. 14.10.2017, 15.10.2017 and 16.10.2017 and the petitioner shall surrender before the jail authority on 17.10.2017 at 12:30 P.M. However, he has to be released on parole subject to his furnishing bonds in the sum of ₹1 lac with one surety in the like amount to the satisfaction of the District Magistrate, Hoshiarpur/ Deputy Commissioner, Hoshiarpur.

Copy of the order be given dasti under the signatures of the
Bench Secretary of this Court.

October 13, 2017
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(HARI PAL VERMA)
JUDGE

Whether Speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No